

REMARKS

Claims 3, 4 and 6-11 are pending in the above-identified application. Claims 1-2, 5 and 12-13 having been cancelled previously.

In the Office Action of February 17, 2006, Claims 3, 4 and 6-11 were rejected. With this Amendment, claims 3 and 9 were amended to better point out and distinctly claim the subject matter of the invention.. Accordingly, claims 3-4 and 6-11 are at issue in the above-identified application.

35 U.S.C. § 102 Anticipation Rejection of Claims

Claim 11 was rejected under 35 U.S.C. § 102(b) as being anticipated by *Gingerich et al.* (U.S. Patent No. '240). Applicants respectfully traverse this rejection. *Gingerich et al.* does not disclose the heating of cobalt chloride or hydrates thereof.

The cited reference teaches the substantially complete conversion of cobalt in a hydrochloric acid solution into the cobaltic hexammine complex ion (*See* col. 3, l. 49 to col. 4, l. 5). Such a complex ion is then converted into a cobaltic hexammine halide precipitate of formula $\text{Co}(\text{NH}_3)_6\text{X}_3$ (*See* col. 4, ll. 13 - 40). The cobalt hexammine halide is dissolved in water and treated with a metallic hydroxide, yielding a precipitate of particles of a hydrated cobaltic oxide of formula $\text{Co}_2\text{O}_3 \cdot 1\text{H}_2\text{O}$ (*See* col. 4, l. 55 to col. 5, l. 61). The precipitate is then heated in a reducing atmosphere, typically a hydrogen atmosphere (*See* col. 4, l. 66 to col. 5, l. 4).

The cited reference therefore teaches the treatment of hydrated cobaltic oxide Co_2O_3 , not cobalt chloride. The method of claim 11 is therefore not anticipated by *Gingerich et al.* and the rejection is improper.

35 U.S.C. § 112 Indefiniteness Rejection of Claims

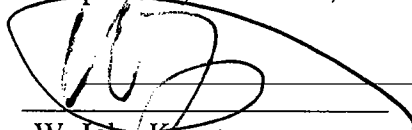
Claims 3-4 and 6-10 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 9 and 10 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse these rejections.

Claims 3-4 and 6-10 were rejected because the term “cobalt” as found in claim 3 was deemed to be directed to only “solid cobalt” and not cobalt “in any other valence”. Applicants submit that, as disclosed on page 9 of the present application, the claimed methods can be performed with metal in an unoxidized, uncombined state as a reductant, for example cobalt powder. Accordingly, in order to better point out and distinctly claim the present invention, the claims were amended to indicate elemental cobalt as the metal used in the claimed methods. Applicants therefore submit that the rejection is moot in view of the present amendment.

Claims 9 and 10 were rejected because claim 9 was deemed not to be linked to claim 3. Claim 9 has been amended to be in independent form and directed to the method disclosed on page 14 of the present application. The rejection is therefore moot in view of the present amendment.

In view of the foregoing, Applicants submit that the application is in condition for allowance. Notice to that effect is requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W. John Keyes', is written over a horizontal line.

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